IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLAGTE JURISDICTION

**WRIT PETITION NO 3026 OF 2006**

Ramchandra Bhaurao Patil ... Petitioner.
V/s
Branch Officer, Khadakwasala,
Irrigation branch and Ors. ... Respondents.

Mr. P.B. Shah, Advocate for the petitioner.
Mr. P.P. Kakade, A.G.P. for the respondents.

**CORAM : K.J. ROHEE, J.**

**DATE : 9TH MAY, 2006.**

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. Rule, returnable forthwith. By consent of the parties heard finally.

2. Heard Mr. P.B. Shah, Advocate for the petitioner and Mr. P.P. Kakade, A.G.P. for the respondents.

3. Five Acres of land belonging to Khadakvasala Irrigation Department was given to the petitioner/ex-service man for cultivation way back in 1985 for a period of 5 years. An greement to that effect was also executed. Thereafter the petitioner

started cultivating the said land. The agreement was renewed from time to time. On 24/8/1999 the respondents issued notice to the petitioner alleging that he contravened the certain terms of the agreement. The petitioner replied the said notice on 15/9/1999 and denied that he committed breach of any of the terms of the agreement. The matter rested there. No renewal of the agreement took place.

4. On 12/4/2006 the respondents issued another notice to the petitioner informing him that the State has refused to renew the agreement. By the said notice the petitioner was called upon to deliver possession of the land on or before 20/4/2006. On 20/4/2006 the petitioner made representation to respondent NO.2 for renewal of the agreement.

5. No enquiry was made in connection with the reply submitted by the petitioner on 15/9/1999 and abruptly notice dated 12/4/2006 came to be issued to him. According to the petitioner no hearing was given to him by the authorities concerned. Thus the authorities committed breach of principles of natural justice by

issuing notice dated 12/4/2006. The said notice is, therefore, illegal and is liable to be quashed.

6. It would be in the interest of justice, if respondent NO.2 gives opportunity to the petitioner to substantiatehis explanation dated 15/9/1999 and to justify his representation dated 20/4/2006. I, therefore, pass the following order:-

(a). Respondent No..2 is directed to give hearing to the petitioner in respect of his reply dated 15/9/1999 and representation dated 20/4/2006 within one month from today and shall communicate his decision to the petitioner.

(b). In case the decision of the respondent NO.2 goes against the petitioner, he would be protected for one week.

(c) Rule is made absolute in above terms with no order as to costs.

**(K.J. ROHEE J.)**